UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

SANOFI-AVENTIS DEUTSCHLAND GMBH,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Case No. ____________
	§	
NOVO NORDISK INC.	§	
	§	
Defendant.	§	**TRIAL BY JURY DEMANDED**
	§	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff, Sanofi-Aventis Deutschland GmbH ("SANOFI-AVENTIS") hereby complains of Defendant, Novo Nordisk Inc. ("NOVO"), as follows:

PARTIES

1. SANOFI-AVENTIS is a corporation organized and existing under the laws of Germany, with offices located at Brüningstrasse 50, D-65929 Frankfurt am Main, Germany.

2. On information and belief, Novo Nordisk Inc. is a corporation organized and existing under the laws of the State of Delaware, with its principal office located at 100 College Road, Princeton, New Jersey.

JURISDICTION AND VENUE

3. The present action alleges infringement of a United States Patent under 35 U.S.C. § 271, including at least § 271(a), § 271(b) and § 271(c).

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338.

5. The Court has personal jurisdiction over NOVO. NOVO has purposefully and voluntarily placed its infringing products into the stream of commerce with the expectation that these products will be purchased by consumers in this judicial district. NOVO has done so as part of its continuous and systematic general business contacts with this judicial district. These products have been and continue to be purchased by consumers in this judicial district.

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400.

FACTS

7. SANOFI-AVENTIS is a leading international pharmaceutical company that strives to meet a wide array of healthcare needs through innovative products, such as insulin and insulin delivery devices for the treatment of diabetes.

8. Haselmeier GmbH ("Haselmeier") of Stuttgart, Germany is a research and development company. One of Haselmeier's principals, Mr. Jochen Gabriel, along with another Haselmeier employee, Mr. Ulf Polzin, invented an improved safety needle that reduced patient injection anxiety and eliminated post injection accidental needle sticks. Haselmeier, through its BD Medico subsidiary, filed and obtained patent rights for its improved safety needle, including U.S. Patent No. 6,203,529 ("the '529 Patent"), which issued on March 20, 2001. The '529 Patent pertains, among other things, to the design of a needle assembly for injection devices that eliminates anxiety in patients and prevents accidental needle sticks after use. A true and correct copy of the '529 Patent is attached hereto as Exhibit 1.

9. On or about March 25, 1999 the name BD Medico was changed to Haselmeier S.à.r.l. On or about March 20, 2008, Haselmeier S.à.r.l changed its name to Haselmeier GmbH. On April 1, 2008, Haselmeier GmbH assigned all rights in the '529 Patent to Sanofi-Aventis Deutschland GmbH such that SANOFI-AVENTIS is the owner of all right, title and interest in and to the '529 Patent with the right to recover damages for all past infringement of the '529 patent.

10. On information and belief, NOVO purports to be an international healthcare company that focuses on diabetes care. In the United States, Novo markets both disposable and reusable insulin delivery devices and sells a variety of needle products. One such needle product is the NovoFine® Autocover® safety needle.

11. On information and belief, NOVO has imported the NovoFine® Autocover® safety needle into the United States and has offered for sale and sold the NovoFine® Autocover® safety needle throughout the United States, including in this judicial district, since at least 2007.

PATENT INFRINGEMENT—'529 PATENT

12. SANOFI-AVENTIS incorporates herein by reference the allegations of paragraphs 1 through 11.

13. The NovoFine® Autocover® safety needle infringes claims of the '529 Patent in violation of 35 U.S.C. § 271.

14. The NovoFine® Autocover® safety needle literally infringes at least claim 1 of '529 Patent because each of the claimed elements is found in the NovoFine® Autocover® needle product.

15. NOVO's NovoFine® Autocover® safety needle also infringes at least claim 1 under the doctrine of equivalents because parts and materials of construction of the NovoFine® Autocover® needle product perform substantially the same function, in substantially the same way, to obtain substantially the same result as the materials and parts claimed in the '529 patent.

16. Upon information and belief, NOVO was aware of the '529 Patent prior to the commission of some or all of the infringing acts alleged herein, and its infringement has been and continues to be reckless, egregious and willful.

17. As a result of the infringement by NOVO, SANOFI-AVENTIS has been, is being and will continue to be irreparably harmed.

18. NOVO's reckless, egregious and willful infringement of the '529 Patent makes this an exceptional case under 35 U.S.C. § 285.

WHEREFORE, SANOFI-AVENTIS prays for judgment that:

A. NOVO has infringed claims of United States Patent No. 6,203,529;

B. NOVO, its officers, agents, servants and employees, and those persons in active concert and participation with any of them, be preliminarily and permanently enjoined from further infringement of United States Patent No. 6,203,529;

C. SANOFI-AVENTIS be awarded damages sufficient to compensate it for the infringement, but in no event less than a reasonable royalty for such infringement, and that such damages be increased to three times the amount found or assessed pursuant to 35 U.S.C. § 284, together with prejudgment interest;

D. This case be declared exceptional pursuant to 35 U.S.C. § 285 and that SANOFI-AVENTIS be awarded its attorneys' fees, costs and expenses in this action; and

E. SANOFI-AVENTIS be awarded such other and further relief as the Court may deem just.

DEMAND FOR JURY TRIAL

SANOFI-AVENTIS hereby demands a jury trial on all issues.

Respectfully submitted,

Date: 9 January, 2009

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